

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

JAN 14 1997

FEDERAL COMMUNICATIONS COMMISSION

Broadcast Services, Advanced Television	}	
Systems Sixth Further Notice of Proposed	}	MM Docket No. 87-268; FCC 95-315
Rule Making.	}	

**REPLY COMMENTS OF
WASHINGTON COUNTY TELEVISION, INC. *et al.*
ON THE SIXTH FURTHER NOTICE OF PROPOSED RULEMAKING**

I. INTRODUCTION

Comments submitted herein are in reply to comments submitted by others in response to the above mentioned Sixth Further Notice of Proposed Rulemaking, MM Docket No. 87-268, FCC 96-317 (rel. Aug. 14, 1996) (the "Sixth FNPRM").

Washington County Television, Inc. (WCTV), owns and operates **Low Power Television Stations K66EK** in Bartlesville, OK. and **K60EX** in Nowata, OK.. Joining Washington County Television, Inc. in filing these reply comments are the below listed, unaffiliated, Low Power (LPTV) stations;

LPTV station **KELF_{LP}**, Grove, OK.
LPTV station **W09BZ**, East Bernstadt, KY.
LPTV station **K33DZ**, Enid, OK.
LPTV station **K36DE**, Kiowa, KS.
LPTV station **K13WI**, Hawthorne, NV.

These stations are not affiliated with WCTV or its two stations save for a mutual concern regarding the future of Low Power Television specifically and free over-the-air television broadcasting in general. These stations in concert with many other Low Power broadcasters, have vested interest in the above-referenced proceeding.

In comments, timely submitted, on the Sixth FNPRM, WCTV wished the Commission to notice;

- 1) WCTV's appreciation of the Commission's "acknowledging the impact on low power (LPTV) broadcasters".
- 2) WCTV's submission that "No Low Power station should be forced out of business to accommodate ATV [Advanced TeleVision]".

3) The additional obstacles to implementation of ATV posed by translators owned by Full Power stations prompting WCTV's suggestion that "no Full Power station receive additional spectrum without first relinquishing spectrum occupied by any translator(s) carrying its signal, sufficient to accommodate any displaced LPTV".

4) WCTV's qualified support of the Commission's plan to relocate all stations to a "core" spectrum, *eventually*. The upper channels, 51 through 69, currently represents *running room* needed for displaced stations.

5) "The Market Place is the appropriate regulator for Digital Television" and the need to automatically issued second channels to *all* Full Power stations has abated with the demise of HDTV. WCTV urged the Commission to "TERMINATE ISSUING AUTOMATIC SECOND CHANNELS to all Full Power broadcasters, instead treating DTV as an experimental service until the market place has made its preference known".

6) The lack of any direction by the Commission regarding LPTV's access to ATV prompting WCTV to urge the Commission to "DROP SECONDARY STATUS FOR LPTV" thus allowing ALL stations to transition to ATV on a Free Market path without being forced to surrender their channel "at the whim of a "First Class" [Full Power] citizen".

After discussion with the above listed, unaffiliated, LPTV broadcasters and review of comments submitted by others, WCTV *et al.* wishes to revisit several points and further enlighten the Commission.

REPLY TO COMMENTS SUBMITTED BY CBA

WCTV *et al.* wishes the Commission to note that while the **Community Broadcasters Association (CBA)** refers to itself as "the trade association of the nation's LPTV stations", in fact this is misleading. More properly it is *a* trade organization, not *the* trade association for LPTV stations.

Further, with CBA's knowledge of only 350 to 400 stations, WCTV *et al.* suggests the Commission refrain from using those numbers as the only "operating LPTV stations", "real, television venture[s], owned and operated by people with hopes and aspirations that must be recognized and addressed". WCTV *et al.* concede the number of operating LPTV stations may be fewer than Commission records indicate yet none of the stations joined in these reply comments are owned by *non-real* people. Each station is real and operating and not included in CBA's estimate. WCTV *et al.* believe CBA does a disservice by so severely underestimating the number of operating LPTV licensee's.

WCTV et al. encourages the Commission to recognize the existence of all LPTV stations currently holding licenses until and unless a licensee is shown to be in default of the conditions of license.

On other matters discussed by CBA, WCTV et al. is supportive. More specifically;

- 1) **Postponing Spectrum Reallocation.** The views of CBA and those submitted by WCTV are similar.
- 2) **Migration of LPTV to Digital Service.** Again, similar views that are reconcilable.
- 3) WCTV et al. concur with CBA on the technical issues proposed in their comments on the Sixth FNPRM, ie: **Determination of power, Precise Frequency Offset, Other Transmitter Characteristics, UHF Taboos and Advanced Techniques for Avoiding or Demonstrating No Interference.**

REPLY TO COMMENTS SUBMITTED BY IBN

WCTV et al. support **INTERNATIONAL BROADCAST NETWORK's (IBN)** claim that the ATSC standards "as they currently stand, are fundamentally flawed. They are contrary to the public interest, and must not be adopted" and that the National Association of Broadcasters (NAB) claim that "[t]he ATSC proposed standard has been endorsed by the entire broadcast industry..." is untrue.

Further, **IBN** raises questions as to the propriety of participants and openness of the proceedings that developed the standards, suggesting "The Commission must protect its independence and its integrity, and it must not allow there to be even an appearance of impropriety". And [if adopted] "The American system of universal, free, over-the-air television, which has long been the envy of the world, would exist no more".

REPLY TO COMMENTS SUBMITTED BY CITADEL

CITIDEL COMMUNICATIONS CO., LTD. (Citadel) and entities affiliated with Citadel own several small market, VHF, television stations (not Low Power stations). Citadel points out the cost of construction for a second, UHF, transmission plant to meet the current ATSC proposed standard would exceed \$4,000,000. Additionally, "the channel allocation proposed by the Sixth FNPRM would require a transmitter power increase of thirty times the current amount for Citadel to replicate the station's Grade B signal..., Transmitters of the required size do not even currently exist on the commercial market". Power cost would jump from \$35,727 per year to over \$430,000 per year.

Citadel further states "When reasonable debt service is added, it is apparent that such dramatic increases in capital and operating expense could be genuinely debilitating for small market stations. Such a result is untenable and counter to the public interest that the Commission is obligated to serve."

Citadel urges the Commission, "full amount of spectrum currently available for NTSC service continue to be available in the future and that all stations be returned to their current NTSC channel positions for final DTV operations" and require broadcasters "to replicate each station's Grade A contour... during interim DTV operations".

WCTV *et al.* reiterates that Citadel is not a Low Power operator and yet has problems with the ATSC standards as proposed, NAB claims notwithstanding. WCTV *et al.* is now in agreement that the currently available spectrum should be retained, at least for the foreseeable future.

REPLY TO COMMENTS BY LEONARD WALK

Leonard Walk, Palm Beach Television Broadcasting, Inc. draws the Commission attention to the allocation of a new DTV channel, currently occupied by one of Palm Beach's LPTV stations, to a un-built Full Power station.

WCTV *et al.* draws the Commissions attention to statements filed in the comments by WCTV on the Sixth FNPRM calling for the abolition of secondary status for LPTV. The Palm Beach LPTV station will be forced to go dark at the "whim of a First Class [Full Power] citizen". An un-built station taking the license of a functioning LPTV sure looks like a "whim" to WCTV *et al.*.

REPLY TO VARIOUS COMMENTS

Various commentors propose the Commission abandon the withdrawal of spectrum. WCTV *et al.* concur! Properly orchestrated, conservation of spectrum may be accomplished in the future. Early withdrawal of spectrum will only create many, litigious, problems. The nation's budget will not be balanced by auction of recovered spectrum, besides, why should broadcasters be asked to balance the budget instead of doctors, lawyers or possibly Indian Chiefs?

Multiple commentors suggest the use of *loaner* channels with the new DTV station eventually returning to its original channel. WCTV *et al.* contend no additional channel is required. The expense of rechanneling a Full Power twice to be unrealistic. Conversion from NTSC to DTV is not only possible but practical.

When the midwest converted to color television in the 60's, it was common to build the terminal facilities and upgrade transmission plants while maintaining monochrome service. When the day came, after much hoopla of course, we came on one day in color. The same will occur with DTV if it is to be.

ADDITIONAL INPUT FROM STATIONS JOINING WCTV REPLY COMMENTS

A major, national, television cable operator is believed to be accepting delivery of over 100,000 DTV set top convertors per month. These convertors are installed in subscriber homes and convert the cable systems DTV signals to NTSC. This is NOT HDTV but then we stopped talking about HDTV several FNPRM's ago. Once a cable goes digital, each subscriber will receive a set top convertor.

It does not matter what format the local over-the-air stations broadcast, the cable operator will send it down his wires as a digital signal and then convert it back to NTSC at the subscribers home. The cable industry estimates that literally half the country is paying a cable system for television service.

If half the country is on cable, and the subscriber can view every channel he pays for on a \$300 NTSC TV set, just who are we doing all this for? Why are cable subscribers (half the country remember) going to spend big bucks for digital TV receivers to receive the same programming they already have?

Is conversion of broadcast stations to digital necessary for that other half the country, those people without access to cable. We are not converting the country to digital for them because they already have DTV, they call it the "18 inch dish".

Lets be honest here folks. Most television broadcasters are far more interested in being carried on local cable systems than serving the old fogies that still use antenna's (the cable subscribers outnumber the antenna watchers). If cable systems convert signal formats as needed, then supply subscribers with appropriate set-top converters, where is the incentive for broadcasters to spend mega-bucks converting to DTV?

WCTV *et al.* believes those citizens receiving free over-the-air signals are still entitled to their television service. How many will buy DTV compatible receivers remains to be seen and is a decision best left to the **MARKET PLACE**.

As cable systems convert to digital and DTV compatible receivers become available, our **FREE MARKET** system will alert broadcasters if conversion to DTV for the antenna watchers is practical. Forced conversion to DTV without knowledge of penetration of not DTV receivers but rather DTV-receivers-on-antenna's is NOT in the public interest!

CONCLUSION

WCTV *et al.* respectfully urges the Commission;

- 1) To reject the ATSC agreement now before the Commission,
- 2) Reject any proposal that results in forced relocation in all but the most unique circumstances and facilitate open discussion between *ALL* affected broadcasters before adoption of any proposal,
- 3) Endeavor to determine the correct number of operating LPTV licensee's,
- 4) Insure the Final Rule is voluntary for both broadcasters and consumers and does not result in an adverse economic impact to either,
- 5) Eliminate secondary status for existing LPTV licensee's,
- 6) To consider the impact of translators when a primary station converts to minimal bandwidth DTV and address whether, 6 MHz wide, translator(s) effectively multiply the bandwidth available to the primary station.

Respectfully submitted,

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K60EX, Nowata, OK.
W09BZ, East Bernstadt, KY.
KELF_{LP}, Grove, OK.
MEDIA MANICS, INC., K32DZ, Enid, OK.
BECKER BROADCAST SYSTEMS,
K36DE, Kiowa KS.
K13WI, Hawthorne, NV.

By the President of Washington County Television, Inc.



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